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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,402	07/02/2001	Junichi Nishiyama	011350-279	9965

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EXAMINER

THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,402

Applicant(s)

NISHIYAMA, JUNICHI

Examiner

James A Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract uses legal claim language. The abstract should be written in narrative form. Correction is required. See MPEP § 608.01(b).

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Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 12-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-16 disclose a program, but do not disclose any physical embodiment of said program. A program is not a process, machine, article of manufacture, or composition of matter, and is therefore non-statutory subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 8, 10, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellert (US Patent 6,154,755) in view of Wang (US Patent 6,069,715).

Regarding claims 1, 12 and 17: Dellert discloses an image processing device (figure 1 of Dellert) comprising an image reader (figure 1(10) of Dellert) for reading developed photographic film data (column 2, lines 30-33 of Dellert); and a detector (figure 1 (14(portion)) of Dellert) for detecting a reading condition in reading the document image (column 4, lines

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25-34 of Dellert). The list of file names of the collection of scanned images is detected (column 4, lines 25-27 of Dellert). Further, a list of the scanned images that have been rotated, along with the corresponding rotations values, are detected in the file "ROTATION.DAT" if said file is detected (column 4, lines 27-34 of Dellert).

Dellert further discloses an extractor (figure 1 (14(portion)) of Dellert) for extracting a specific image data from the image data (column 4, lines 46-50 of Dellert). In order to perform operations, such as the rotation of one or more images, said images have to be selected from out of the set of images (column 4, lines 46-50 of Dellert). Said selected image(s) are therefore extracted from said set of images in order for the rotation and other processing to occur.

Dellert further discloses a generator (figure 1 (14(portion)) of Dellert) for generating an index data including the specific image data (column 5, lines 8-13 of Dellert) and the reading condition data (column 5, lines 23-25 and lines 28-32; and column 6, lines 30-33 of Dellert). The reading condition data generated by the apparatus of Dellert are the image objects listed in the image object list (column 5, lines 28-32 of Dellert), the image titles (column 6, line 32 of Dellert), and the image timestamp (column 6, lines 32-33 of Dellert). A computer (figure 1(14) of Dellert) performs the overall image processing after the image data has been scanned in (column 2, lines 36-42 of Dellert). The detector, extractor, and generator correspond to the elements of the computer, along with the corresponding embodied software, that perform the operations of said detector, said extractor, and said generator.

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Dellert further discloses a printer (figure 1(16) and column 2, lines 41-44 of Dellert) for printing the index data (figure 2; and column 6, lines 22-24 and lines 30-33 of Dellert).

Dellert does not disclose expressly that said image reader reads in a document image.

Wang discloses an image reader (figure 4 of Wang) for reading a document image (column 4, lines 1-4 of Wang).

Dellert and Wang are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to scan in document image data, as taught by Wang, instead of developed photographic data, as taught by Dellert. The suggestion for doing so would have been that document sheets are another form of image data which can be scanned (column 2, lines 33-35 of Wang). Therefore, it would have been obvious to combine Wang with Dellert to obtain the invention as specified in claims 1, 12 and 17.

Further regarding claims 12 and 17: The apparatus of claim 1 performs the steps of the program of claim 12 and the method of claim 17.

Regarding claim 2: Dellert discloses that said specific image data is image data of a specified page of the document (column 4, lines 46-50 of Dellert). The image or images selected are part of a set of images that are scanned in (column 2, lines 36-39 of Dellert), and thus one or more from the plurality of pages of the document taught by Wang (column 3, lines 60-65 of Wang).

Regarding claim 8: Dellert discloses an image handling system (figure 1 of Dellert) comprising an image input device

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(figure 1(10,14) of Dellert) and a printing device (figure 1(16) and column 2, lines 41-44 of Dellert). Since the computer (figure 1(14) of Dellert) and scanner (figure 1(10) of Dellert) are electrically connected, as can clearly be seen in figure 1 of Dellert, and said computer performs the overall image processing operations (column 2, lines 36-42 of Dellert), said scanner and said computer can be considered a single device.

Said image input device comprises an image reader (figure 1(10) of Dellert) for reading developed photographic film data (column 2, lines 30-33 of Dellert); and a detector (figure 1(14(portion)) of Dellert) for detecting a reading condition in reading the document image (column 4, lines 25-34 of Dellert). The list of file names of the collection of scanned images is detected (column 4, lines 25-27 of Dellert). Further, a list of the scanned images that have been rotated, along with the corresponding rotations values, are detected in the file "ROTATION.DAT" if said file is detected (column 4, lines 27-34 of Dellert).

Said image input device further comprises an extractor (figure 1(14(portion)) of Dellert) for extracting a specific image data from the image data (column 4, lines 46-50 of Dellert). In order to perform operations, such as the rotation of one or more images, said images have to be selected from out of the set of images (column 4, lines 46-50 of Dellert). Said selected image(s) are therefore extracted from said set of images in order for the rotation and other processing to occur.

Said image input device further comprises a generator (figure 1(14(portion)) of Dellert) for generating an index data including the specific image data (column 5, lines 8-13 of Dellert) and the reading condition data (column 5, lines 23-25

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and lines 28-32; and column 6, lines 30-33 of Dellert). The reading condition data generated by the apparatus of Dellert are the image objects listed in the image object list (column 5, lines 28-32 of Dellert), the image titles (column 6, line 32 of Dellert), and the image timestamp (column 6, lines 32-33 of Dellert).

Said image input device further comprises a transmitting device (figure 1(14(portion)) of Dellert) for transmitting the index data to said printing device (column 6, lines 26-36 of Dellert). A computer (figure 1(14) of Dellert) performs the overall image processing after the image data has been scanned in (column 2, lines 36-42 of Dellert). The detector, extractor, generator and transmitting device correspond to the elements of the computer, along with the corresponding embodied software, that perform the operations of said detector, said extractor, said generator, and said transmitting device.

Said printing device comprises a printer (figure 1(16) of Dellert) for printing the received index data (figure 2; and column 6, lines 22-24 and lines 30-33 of Dellert). A receiving device for receiving the index data is inherent in said printing device since, if said index data is not received, it is not possible for said printing device to print said index data.

Dellert does not disclose expressly that said image reader reads in a document image.

Wang discloses an image reader (figure 4 of Wang) for reading a document image (column 4, lines 1-4 of Wang).

Dellert and Wang are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to scan in document image

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data, as taught by Wang, instead of developed photographic data, as taught by Dellert. The suggestion for doing so would have been that document sheets are another form of image data which can be scanned (column 2, lines 33-35 of Wang). Therefore, it would have been obvious to combine Wang with Dellert to obtain the invention as specified in claim 8.

Regarding claim 10: Dellert discloses an image data handling system (figure 1 of Dellert) comprising an image input device (figure 1(10,14(portions),16) of Dellert) and a data processing device (figure 1(14(portions)) of Dellert). The computer (figure 1(14) of Dellert), scanner (figure 1(10) of Dellert), and printer (figure 1(16) and column 2, lines 41-44 of Dellert) are electrically connected, as can clearly be seen in figure 1 of Dellert, and interact with one another as a single overall system, as clearly demonstrated by the interconnected functions described in column 2, lines 30-43 of Dellert. Said computer performs the overall image processing operations (column 2, lines 36-42 of Dellert). The image input device can therefore be considered as said scanner, said printer, and the portions of said computer, along with the corresponding embodied software, that receive, detect, and transmit the image data. The data processing device can be considered as the portions of said computer, along with the corresponding embodied software, that perform the various data processing operations.

Said image input device comprises an image reader (figure 1(10) of Dellert) for reading developed photographic film data (column 2, lines 30-33 of Dellert); and a detector (figure 1(14(portion)) of Dellert) for detecting a reading condition in reading the document image (column 4, lines 25-34 of Dellert). The list of file names of the collection of scanned images is

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detected (column 4, lines 25-27 of Dellert). Further, a list of the scanned images that have been rotated, along with the corresponding rotations values, are detected in the file "ROTATION.DAT" if said file is detected (column 4, lines 27-34 of Dellert).

Said image input device further comprises a transmitting device (figure 1(14(portion)) of Dellert) for transmitting the index data to said printing device (column 6, lines 26-36 of Dellert). A computer (figure 1(14) of Dellert) performs the overall image processing operations (column 2, lines 36-42 of Dellert). The detector and transmitting device correspond to the elements of the computer, along with the corresponding embodied software, that perform the operations of said detector and said transmitting device.

Said image input device further comprises a printer (figure 1(16) of Dellert) for printing the data (figure 2; and column 6, lines 22-24 and lines 30-33 of Dellert).

Said data processing device comprises a receiving device (figure 1(14(portion)) of Dellert) for receiving the data (column 2, lines 36-39 of Dellert); and an extractor (figure 1(14(portion)) of Dellert) for extracting a specific image data from the image data (column 4, lines 46-50 of Dellert). In order to perform operations, such as the rotation of one or more images, said images have to be selected from out of the set of images (column 4, lines 46-50 of Dellert). Said selected image(s) are therefore extracted from said set of images in order for the rotation and other processing to occur.

Said data processing device further comprises a generator (figure 1 (14(portion)) of Dellert) for generating an index data including the specific image data (column 5, lines 8-13 of

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Dellert) and the reading condition data (column 5, lines 23-25 and lines 28-32; and column 6, lines 30-33 of Dellert). The reading condition data generated by the apparatus of Dellert are the image objects listed in the image object list (column 5, lines 28-32 of Dellert), the image titles (column 6, line 32 of Dellert), and the image timestamp (column 6, lines 32-33 of Dellert).

Said data processing device further comprises a transmitting device (figure 1(14(portion)) of Dellert) for transmitting the index data to said printing device (column 6, lines 26-36 of Dellert).

Dellert does not disclose expressly that said image reader reads in a document image.

Wang discloses an image reader (figure 4 of Wang) for reading a document image (column 4, lines 1-4 of Wang).

Dellert and Wang are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to scan in document image data, as taught by Wang, instead of developed photographic data, as taught by Dellert. The suggestion for doing so would have been that document sheets are another form of image data which can be scanned (column 2, lines 33-35 of Wang). Therefore, it would have been obvious to combine Wang with Dellert to obtain the invention as specified in claim 10.

7. Claims 3-4, 6, 9, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellert (US Patent 6,154,755) in view of Wang (US Patent 6,069,715) and Takayanagi (US Patent 5,680,226).

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Regarding claims 3 and 13: Dellert in view of Wang does not disclose expressly that said reading condition data includes at least one of the items of document size, number of pages, reading mode, resolution, and image quality data.

Takayanagi discloses that said reading condition data (column 6, lines 21-22 of Takayanagi) includes at least one of the items of document size (column 6, lines 26-30 of Takayanagi), number of pages (column 6, lines 30-31 of Takayanagi), reading mode (column 6, lines 24-25 of Takayanagi), resolution (column 6, lines 22-23 of Takayanagi), and image quality data (column 6, lines 23-24 and line 31 of Takayanagi).

Dellert in view of Wang is combinable with Takayanagi because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the items of reading condition data taught by Takayanagi. The motivation for doing so would have been so that the document data can be properly printed using said reading condition data (column 6, lines 32-34 of Takayanagi). Therefore, it would have been obvious to combine Takayanagi with Dellert in view of Wang to obtain the invention as specified in claims 3 and 13.

Regarding claims 4 and 14: Dellert discloses that said reading condition data includes a name of the image data file or destination data of image data (column 4, lines 25-29 of Dellert).

Regarding claims 6, 9, 11 and 15: Dellert in view of Wang does not disclose expressly a storage device for storing the read image data.

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Takayanagi discloses a storage device (figure 2(80) of Takayanagi) for storing the read image data (column 4, lines 29-32 of Takayanagi).

Dellert in view of Wang and Takayanagi are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the image data that has been scanned in on a storage medium, as taught by Takayanagi. The motivation for doing so would have been to be able to print multiple copies of a document from a single scanning (column 4, lines 30-32 of Takayanagi). Therefore, it would have been obvious to combine Takayanagi with Dellert in view of Wang to obtain the invention as specified in claims 6, 9, 11 and 15.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dellert (US Patent 6,154,755) in view of Wang (US Patent 6,069,715), Takayanagi (US Patent 5,680,226), and Parry (US Patent 6,148,331).

Regarding claim 5: Dellert in view of Wang and Takayanagi does not disclose expressly that said destination data is defined by URL.

Parry discloses destination data that is defined by URL (column 6, lines 45-49 of Parry). Dellert in view of Wang and Takayanagi is combinable with Parry because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a URL as the destination data, as taught by Parry. The motivation for doing so would have been to provide rapid access

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to a website containing the image information (column 3, lines 45-50 of Parry). Therefore, it would have been obvious to combine Parry with Dellert in view of Wang and Takayanagi to obtain the invention as specified in claim 5.

9. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellert (US Patent 6,154,755) in view of Wang (US Patent 6,069,715) and Saukkonen (US Patent 6,011,590).

Regarding claims 7 and 16: Dellert discloses that the computer (figure 1(14) of Dellert) receives the read image data (column 2, lines 36-39 of Dellert). Therefore, it is inherent that some form of transmitting device is included as part of the image processing device (figure 1 of Dellert) since, without some form of transmitting device, it is impossible for said computer to receive the read image data that is to be processed.

Dellert in view of Wang does not disclose expressly that said computer includes a storage device connected thereto via a network.

Saukkonen discloses a storage device (figure 1(20) of Saukkonen) connected thereto via a network (column 4, lines 2-6 of Saukkonen).

Dellert in view of Wang is combinable with Saukkonen because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transmit the read image data to said computer, as taught by Dellert, said computer containing the storage device connected thereto via a network, as taught by Saukkonen. The motivation for doing so would have been that a plurality of receivers can access the data (column 4, lines 2-4 of Saukkonen). Therefore,

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it would have been obvious to combine Saukkonen with Dellert in view of Wang to obtain the invention as specified in claims 7 and 16.

10. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellert (US Patent 6,154,755) in view of Takayanagi (US Patent 5,680,226).

Regarding claim 18: Dellert discloses an image data handling device (figure 1 of Dellert) comprising an input device (figure 1(10) of Dellert) for inputting an image data (column 2, lines 30-33 of Dellert); and a generating device (figure 1(14) of Dellert) for generating an index data (column 5, lines 8-13 of Dellert) by acquiring a generating condition when the image data is generated (column 5, lines 23-25 and lines 28-32; and column 6, lines 30-33 of Dellert), generating reduced image data of the image data (column 2, lines 38-42 of Dellert), and combining the generating condition and the reduced image data (column 5, lines 23-25 and lines 28-32; and column 6, lines 30-33 of Dellert). The generating condition data generated by the apparatus of Dellert are the image objects listed in the image object list (column 5, lines 28-32 of Dellert), the image titles (column 6, line 32 of Dellert), and the image timestamp (column 6, lines 32-33 of Dellert).

Said image handling device further comprises an output device (figure 1(16) of Dellert) for outputting the generated index data (figure 2; and column 6, lines 22-24 and lines 30-33 of Dellert).

Dellert does not disclose expressly a storage device for storing the inputted image data.

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Takayanagi discloses a storage device (figure 2(80) of Takayanagi) for storing inputted image data (column 4, lines 29-32 of Takayanagi).

Dellert and Takayanagi are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the image data that has been scanned in on a storage medium, as taught by Takayanagi. The motivation for doing so would have been to be able to print multiple copies of a document from a single scanning (column 4, lines 30-32 of Takayanagi). Therefore, it would have been obvious to combine Takayanagi with Dellert to obtain the invention as specified in claim 18.

Regarding claim 19: Dellert does not disclose expressly that said reading condition data includes at least one of the items of document size, number of pages, reading mode, resolution, and image quality data.

Takayanagi discloses that said reading condition data (column 6, lines 21-22 of Takayanagi) includes at least one of the items of document size (column 6, lines 26-30 of Takayanagi), number of pages (column 6, lines 30-31 of Takayanagi), reading mode (column 6, lines 24-25 of Takayanagi), resolution (column 6, lines 22-23 of Takayanagi), and image quality data (column 6, lines 23-24 and line 31 of Takayanagi).

Dellert and Takayanagi are combinable because they are from the same field of endeavor, namely digital image data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the items of reading condition data taught by Takayanagi. The motivation for doing so would have been so that the document

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data can be properly printed using said reading condition data (column 6, lines 32-34 of Takayanagi). Therefore, it would have been obvious to combine Takayanagi with Dellert to obtain the invention as specified in claim 19.

Regarding claim 20: Dellert discloses that said input device is a scanner (column 2, lines 30-33 of Dellert).

Regarding claim 21: Dellert discloses that said output device is a printer (column 2, lines 41-44 of Dellert).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A Thompson whose telephone number is 703-305-6329. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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James A. Thompson
Examiner
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JAT
06 January 2005



THOMAS D.
~~THOMAS~~ LEE
PRIMARY EXAMINER